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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/594,765

06/16/2000

Yehuda Binder

BINDER=9

1885

7590

10/18/2005

Browdy and Neimark PLLC
624 Ninth Street N W
Washington, DC 20001-5303

EXAMINER

YAO, KWANG BIN

ART UNIT

PAPER NUMBER

2667

DATE MAILED: 10/18/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/594,765

Applicant(s)

BINDER, YEHUDA

Examiner

Kwang B. Yao

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 July 2005 and 25 March 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 21-39, 59, 62-67, 85 and 87-89 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 21-39, 59, 62-67, 85 and 87-89 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 16 June 2000 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. Claims 21-29,32-36, 59,62-67,85 and 87-89 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

The original filed specification does not disclose the following features: regarding claim 21, a local area network modem couplable to the wiring and operative to communicate with **at least one identical modem** over the bus topology wiring in the building; regarding claim 22, wherein the wiring is existing wiring in the building and the wiring comprises at least two conductors in walls of the building and a plurality of outlets allowing for connection to the two conductors by **means of a service jack**, and wherein the module further comprises **a service plug connectable to a mating service jack, and said modem is coupled to said service plug**; regarding claim 32, wherein the wiring is existing wiring in the building, and said modem is operative to communicate with **identical modems** in the building over the existing wiring; regarding claim 59, said first mode being operative to communicate with **at least one identical modem** in the building over the first wiring segment and said second modem being couplable to the second wiring segment to couple to the signal carried over the second wiring segment; regarding claim 85, **all of said modules having identical modems**, and each of said modems being operative to communicate with all other modems of the other modules; regarding claim 87,

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wherein said modem is operative to communicate with **at least one identical modem** over the wiring. (Emphasis added).

Drawings

2. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the following features must be shown or the feature(s) canceled from the claim(s): regarding claim 21, a local area network modem couplable to the wiring and operative to communicate with **at least one identical modem** over the bus topology wiring in the building; regarding claim 22, wherein the wiring is existing wiring in the building and the wiring comprises at least two conductors in walls of the building and a plurality of outlets allowing for connection to the two conductors by **means of a service jack**, and wherein the module further comprises **a service plug connectable to a mating service jack**, **and said modem is coupled to said service plug**; regarding claim 32, wherein the wiring is existing wiring in the building, and said modem is operative to communicate with **identical modems** in the building over the existing wiring; regarding claim 59, said first mode being operative to communicate with **at least one identical modem** in the building over the first wiring segment and said second modem being couplable to the second wiring segment to couple to the signal carried over the second wiring segment; regarding claim 85, **all of said modules having identical modems**, and each of said modems being operative to communicate with all other modems of the other modules; regarding claim 87, wherein said modem is operative to communicate with **at least one identical modem** over the wiring; regarding claim 88, **means for**

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detachably electrically and mechanically coupling said module to an outlet connected to the wiring. (Emphasis added). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as “amended.” If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either “Replacement Sheet” or “New Sheet” pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 112

3. Claims 21-29, 85, 88 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claim 21, line 8, “said modem” lacks antecedent basis; it is not clear whether “said modem” refers to “a local area network modem” or “at least one identical modem”.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

5. Claims 30, 31, 37-39 are rejected under 35 U.S.C. 102(e) as being anticipated by Brown et al. (US 6,747,995).

Brown et al. discloses a system for multiple voice lines over single subscriber loop comprising the following features: regarding claim 30, a module (Figs. 1 and 6, DERIVED VOICE MODEM 108) for coupling at least one telephone service signal to at least one time-domain multiplexed digitized voice channel (column 8, lines 58-67; column 11, lines 1-3) carried over a wiring (Figs. 1 and 6, wiring 109) having at least two conductors, the module (Figs. 1 and 6, DERIVED VOICE MODEM 108) comprising: at least one exchange line interface couplable to said at least one telephone service signal, and operative to convert said at

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least one telephone service signal to a digitized service signal, a modem (Fig. 6, DSP 604; column 12, lines 15-16) coupled to said at least one exchange line interface and operative to couple said digitized service signal to the signal carried over the wiring (Figs. 1 and 6, wiring 109); regarding claim 31, wherein the module (Figs. 1 and 6, DERIVED VOICE MODEM 108) is used for coupling multiple service signals to multiple time-domain multiplexed digitized voice channel (column 8, lines 58-67; column 11, lines 1-3)s carried over the wiring (Figs. 1 and 6, wiring 109), and wherein the module (Figs. 1 and 6, DERIVED VOICE MODEM 108) further comprising selective means (Fig. 6, PROC 601) coupled to said modem (Fig. 6, DSP 604; column 12, lines 15-16) and to said at least one exchange line interface and operative to selectively couple said multiple digitized voice channels carried over the wiring (Figs. 1 and 6, wiring 109) to said digitized service channels; regarding claim 37, wherein the wiring (Figs. 1 and 6, wiring 109) concurrently carries a frequency domain multiplexed analog telephone signal in a telephone band, and the module (Figs. 1 and 6, DERIVED VOICE MODEM 108) further comprises: a connection means (Fig. 6, 102) for coupling to an analog telephone service; and a frequency selective means (Fig. 6, PF 116) coupled to said connection means and couplable to the wiring (Figs. 1 and 6, wiring 109) , and operative to pass the analog telephone signal; regarding claim 38, wherein the multiplexed digitized voice channel (column 8, lines 58-67; column 11, lines 1-3)s carry Pulse Code Modulation PCM (ABSTRACT; COLUMN 11, LINE 44 TO COLUMN 12, LINE 32) signals; regarding claim 39, wherein the wiring (Figs. 1 and 6, wiring 109) further carry data signals, and the module further comprises a data connector operative to couple the data signals to a data unit. See column 1-16.

Response to Arguments

6. Applicant's arguments filed on 27 July 2005 and 25 March 2005 have been fully considered but they are not persuasive.

On page 2 of the remarks filed on 7/27/05, Applicant argues that the claimed limitations of identical modem is found on the original filed specification. Examiner respectfully disagrees with these arguments. It is noted that outlets are using different reference numerals, such as 88a, 88b 88c, 88d. Also nowhere in the specification states that the outlets are identical and modems are identical. Therefore, it is believed that newly added limitations of identical modems are new matter.

On page 3-4 of the remarks filed on 7/27/05, Application argues that the claimed limitations in claim 22 are supported by the original filed specification. Examiner respectfully disagrees with these arguments. The features of “**means of a service jack, and wherein the module further comprises a service plug connectable to a mating service jack, and said modem is coupled to said service plug**” can't be found in the pages suggested by Applicant. (Emphasis added).

On pages 4-5 of the remarks filed on 7/27/05, Application argues that the claimed limitations in claims 32, 59, 85, 87 are supported by the original filed specification. Examiner respectfully disagrees with these arguments. As described above, the argued features can't be found in the pages suggested by Applicant.

On pages 4-5 of the remarks filed on 7/27/05, regarding claim 88, the supported documentations are found in the specification; however, it is noted that the claimed features of

“means for detachably electrically and mechanically coupling said module to an outlet connected to the wiring” are not depicted in the drawings. (Emphasis added).

On page 15 of the remarks filed on 3/25/05, Applicant argues that modem 108 of Brown et al. is not connected to an exchange side interface; rather, derived modem 108 of Brown et al. comprises a subscriber line interface, but this modem is not connected to, or does not comprises an exchange side interface. Examiner respectfully disagrees with these arguments. It is noted that the claimed limitations does not recite the argued features. The arguments are irrelevant with respect to the rejected claims. Moreover, it is noted that the DERIVED VOICE MODEM 108 of Brown et al. performs the same functions as required by the claimed limitations. See paragraph 5 above. Therefore, it is respectfully maintained that Brown et al. clearly anticipates the limitations in the rejected claims.

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Collin et al. (US 6,240,166) discloses a communication system.

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO**

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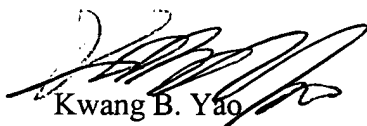
MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kwang B. Yao whose telephone number is 571-272-3182. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chi H. Pham can be reached on 571-272-3179. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

KWANG BIN YAO
PRIMARY EXAMINER



Kwang B. Yao
October 16, 2005